IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.:	10/707,230
Filing Date:	November 28, 2003
Inventor (first named):	Katz, et al.
Group Art Unit:	~~1754~~ 1761
Examiner Name:	Pratt, Helen F.
Attorney Docket No.:	45496.20

AFFIDAVIT UNDER 37 CFR Sec. 1.131

Province of Alberta
CANADA

We, SAUL KATZ and VALERIE TESKEY (a.k.a. VALERIE PRICE), being duly sworn, depose and say as follows:

1. We are the inventors for the above-identified patent application.

2. All of the inventive activity declared in this Affidavit took place in Canada.

3. We conceived of the invention claimed in the above-identified patent application prior to June, 2002, the publication date of the Painter et al. publication, and prior to March 14, 2000, the filing date of US Patent Application No. 10/817,502 (the "Wolf Reference"), which is also the filing date of US Patent Application No. 09/524,445 (the "Gilles; Reference").

4. By no later than 8 March 2000, we had conceived of and reduced to practice the invention comprising a nutritional bar formulation, claimed in the claims of the present application.

5. Attached as Exhibit "A" hereto is a copy of a letter addressed to Saul Katz from Dr. Wolever of the Glycaemic Index Testing Inc. (GIT), dated 17 February 2000, confirming that we had spoken to Dr. Wolever about testing the glycemic index of the nutritional bar formulations we had developed, which are the subject of the present application.

6. Attached as Exhibit "B" hereto is a copy of a letter addressed to Val Price from Dr. Thomas Wolever of the Glycaemic Index Testing Inc. (GIT), dated 30 March, 2000, which follows up the conversation we had confirmed in Exhibit "A". We had by this time provided at least two of our formulations (which were in existence prior to 17 February 2000) to Dr. Wolever in confidence. The letter confirms that we had discussions with GIT by that date regarding testing of bars we had developed which we believed to be high carbohydrate, low glycemic index bars in accordance with our claimed invention. We worked with Dr. Wolever with different formulations and variations of such bars and continued development of the product from that time forward. One embodiment, which we had referred to as a Lemon Bar, finished testing in May, 2001. The final report for GI test for the Lemon Bar was delivered to us by letter dated 11 May, 2001. A copy of this letter is attached hereto as Exhibit "C". Those test results accompanying Exhibit "C" are referred to in our patent specification.

7. The general formulation of the Lemon Bar was conceived of prior to 17 February 2000. We believed that a nutritional food bar with a high carbohydrate fraction, greater than 50%, would be useful as carbohydrates are the body's preferred energy source, but also that a low glycemic index would be beneficial. Conventional thinking at this time tried to achieve low-GI by formulating low-carbohydrate products.

Attached hereto as Exhibit "D" are pages 1-47 excerpted from a lab notebook maintained by Jing Lu, who was a technician working under our supervision and guidance, which recorded our progress contemporaneously. Ms. Lu signed and dated the pages, and Valerie Price also signed and dated the pages. As may be seen, reduction to practice of

the bar formulation we had earlier conceived of took shape in February and March, 2000. In particular:

(a) we conceived of a low GI, high carbohydrate product incorporating soluble fiber, unsaturated fats, and a moderate amount of protein (page 3 of the notebook);
(b) on February 18, 2000, a bar containing a fructose-based binder, fruit pieces and inulin fiber, having 28.97g of carbohydrates ("carbo") in a 50 g bar was tested. One subject ("Huy") showed a GI of 41 (page 21 of the notebook);
(c) on page 22, a modification was made to one formulation to increase plum puree, was found to "mix OK" (February 22);
(d) many different ingredients were tested during this time, many of which are found in the formulation described in embodiments of the present patent application;
(e) on March 1, a combination having 28.04 g carbo / 50 g bar, resulting in a GI average between 2 subjects of 51 was achieved;
(f) on March 2, calcium caseinate, glycerine and inulin IQ were added;
(g) on March 7, the ingredient "energy smart" which was a fructose-based mid-GI binder and sweetener was replaced with fructose; and
(h) on March 8, we were able to achieve low GI values averaging in the mid-20's with a 50g bar having 28.61 g of carbohydrates (page 41 of the notebook)

[continued next page]

8. On March 31, 2000, we responded to Dr. Wolever's letter of March 30, 2000, enclosing details of the ingredients of three test bars. A copy of our March 31 letter and attachments is attached hereto as Exhibit "E". As may be seen from the Exhibits, the formulation referred to in this letter corresponds to the invention broadly disclosed and claimed in the above-identified patent application, and was conceived of no later than February 18, 2000, and reduced to practice by no later than March 8, 2000.

SWORN BEFORE ME at the City of Edmonton, in the Province of Alberta, this 13th day of October, 2006.

A Notary Public in and for the Province of Alberta

SAUL KATZ

SWORN BEFORE ME at the City of Edmonton, in the Province of Alberta, this 13th day of October, 2006.

A Notary Public in and for the Province of Alberta

VALERIE TESKEY
(a.k.a. VALERIE PRICE)

Received: 11/24/2005 04:31PM * Pg 2/4
Nov 24 2005 5:25PM NEW#ERA#NUTRITION 780 423 1786 p.2
18/02 '00 00:09 FAX 416 769 7210 GI TESTING INC 001

Glycaemic Index Testing Inc.
135 Mavety St., Toronto,
Ontario, Canada M6P 2L8
Tel: (416) 978-5556
FAX: (416) 769-7210

17 February, 2000

Saul Katz,
President,
New Era Nutrition

FAX: 780-423-1786

Dear Mr. Katz,

I enjoyed the conference with Jain and Val today. I found the project interesting and I am looking forward to to opportunity of working with you. As you requested, the estimated cost of determining the GI of foods using our standard protocol in 10 subjects is as follows (Canadian funds):

1 food: $5,400
2 foods: $8,000
3 foods: $10,400
4 foods: $12,600
5 foods: $14,400

add $1800 for every additional food up to a total of 12.

For more than 12 foods, the cost would be about $2100 per food. This does not include the cost of additional control tests which may be suggested or required, nor the cost of shipping foods or food analysis. Any changes to the protocol may require ethics review which would be charged to the client. Advanced payment of at least $5000 is required before any tests start, and the balance is due either upon completion or according to a mutually agreed upon schedule based on progress and the provision of preliminary results (final results require 3 bread tests which may not be completed until the end of the series). I am happy to include an option to terminate further provisionally planned tests if the results are not as expected.

Tests are normally done on a first-come-first-served basis, and it is difficult to predict how long it will take to complete a series far in advance. Over the next 3-4 months I expect to be working at close to our current maximum capacity. As I mentioned on the phone, a long-term contract would facilitate our ability to expand our testing capacity so as to facilitate timely completion of tests you require.

Yours sincerely,

Tom Wolever

Thomas MS Wolever, MD, PhD,
President

THIS IS EXHIBIT "A" referred to in the Affidavit / Declaration of
Saul Katz / Valerie Teskey
Sworn / Declared before me this 13th day
of October A.D., 20 06
Andrew Biddle
A Commissioner for Oaths in and for the Province of Alberta.
A Notary Public.

Received: 11/24/2005 04:31PM * Pg 3/4
Nov 24 2005 5:25PM NEW#ERA#NUTRITION 780 423 1786 p.3
03/31/00 00:50 FAX

Glycaemic Index Testing Inc.
135 Mavety St., Toronto,
Ontario, Canada M6P 2L8
Tel: (416) 978-5556
FAX: (416) 769-7210

30 March, 2000

Val Price,
New Era Nutrition,
New Era Place,
10519 - 99 Avenue,
Edmonton, Alberta T5K 0E7

4 pages

FAX: 780-423-1786

Dear Val,

Thanks for the information. You said you have 3 bars to test, but I only got data for Test Bars 1 and 3. I enclose our terms of research and standard protocol. For the initial "mini-test", I propose to follow our normal protocol for determining the GI, except we will only do a single test of the standard food instead of 3. Thus, I propose to compare the 3 bars to a single test of 50g carbohydrate from bread in 6 subjects. Taking the ratio of the average glycemic response areas should be within 15-20 of the true GI. If the results are not as expected, then you may reformulate and we can test again. When you have what you consider to be the final product, then I propose to do a proper test of each bar with 10 subjects and 3 repeats of the standard. We prefer to use bread as the standard, and adjust the results to the glucose standard - we periodically test 50g glucose and can confirm the conversion factor. If glucose has a GI of 100 then bread has a GI of 71. You want to get a GI of 40-50; is this based on glucose or bread as the standard?

The cost for each "mini-test" (as described above) is $4,300 and for GI determination (standard protocol) is $10,400. Thus, the minimum testing comes to a total of $14,700. I normally ask for 33% advanced payment, but since the "mini-test" is less than that, I suggest $3,000 as the advanced payment. Receipt of the advanced payment indicates your acceptance of the Terms of Research.. With human subjects, I cannot guarantee a timeline, but I would expect to be able to complete the mini-test within 4 weeks of starting. If we get the bars and advanced payment within 2-3 weeks, then I think we will be able to start quickly.

I have a question about the composition. Is glycerine included in the total carbohydrate? Can you give me the total carbohydrate to 1 or 2 significant figures (like the fiber and glycerine) so I can calculate a bit more accurately? I do not want to include glycerine in the 50g available carbohydrate portion (though it probably does raise blood glucose). It looks like we will need 20 of each bar for the initial tests. I will confirm this when I have the full information. Can you send the info for Test Bar 2 (FAX to above number for confidential receipt)? What are soynuts?

We are currently developing terms for agreements to allow our clients to use the results with or without reference to GI Testing. We may ask you your views on these.

Yours sincerely,

Tom Wolever

Thomas MS Wolever, MD, PhD,
President

THIS IS EXHIBIT "B" referred to in the Affidavit / Declaration of
Saul Katz / Valerie Tesfey
Sworn / Declared before me this 13th day
of October A.D., 20 06
Andrew Budelle
A Commissioner for Oaths in and for the Province of Alberta.
A Notary Public.

Received: 11/24/2005 04:31PM * Pg 4/4
Nov 24 2005 5:25PM NEW#ERA#NUTRITION 780 423 1786 p.4

Glycaemic Index Testing Inc.
135 Mavety St., Toronto,
Ontario, Canada M6P 2L8
Tel: (416) 978-5556
FAX: (416) 769-7210

11 May, 2001

Jing Lu,
New Era Nutrition,
New Era Place,
10519 - 99th Ave.,
Edmonton, Alberta T5K 0B7

Dear Jing,

Here is the final report for the GI test of the Lemon Bar. Please let me know if you would like to have an electronic copy of the Lotus 123 spreadsheet containing in the data. If you have any questions or comments about the report, please don't hesitate to contact me.

Yours sincerely,

Thomas MS Wolever, MD, PhD,
President.

THIS IS EXHIBIT " C " referred to in the Affidavit / Declaration of
Saul Katz & Valerie Tesfey
Sworn / Declared before me this 13th day
of October A.D., 20 06.
Andrew Baddle
A Commissioner for Oaths in and for the Province of Alberta.
A Notary Public.

THIS IS EXHIBIT " D " referred to in the Affidavit / Declaration of

Saul Katz / Valerie Tarkey

Sworn / Declared before me this 13th day of October A.D., 20 06

Andrea Buddle

A Commissioner for Oaths in and for the Province of Alberta.
A Notary Public.

Objectives:

To develop a functional / nutraceutical food bar with low glycemic index specifically for

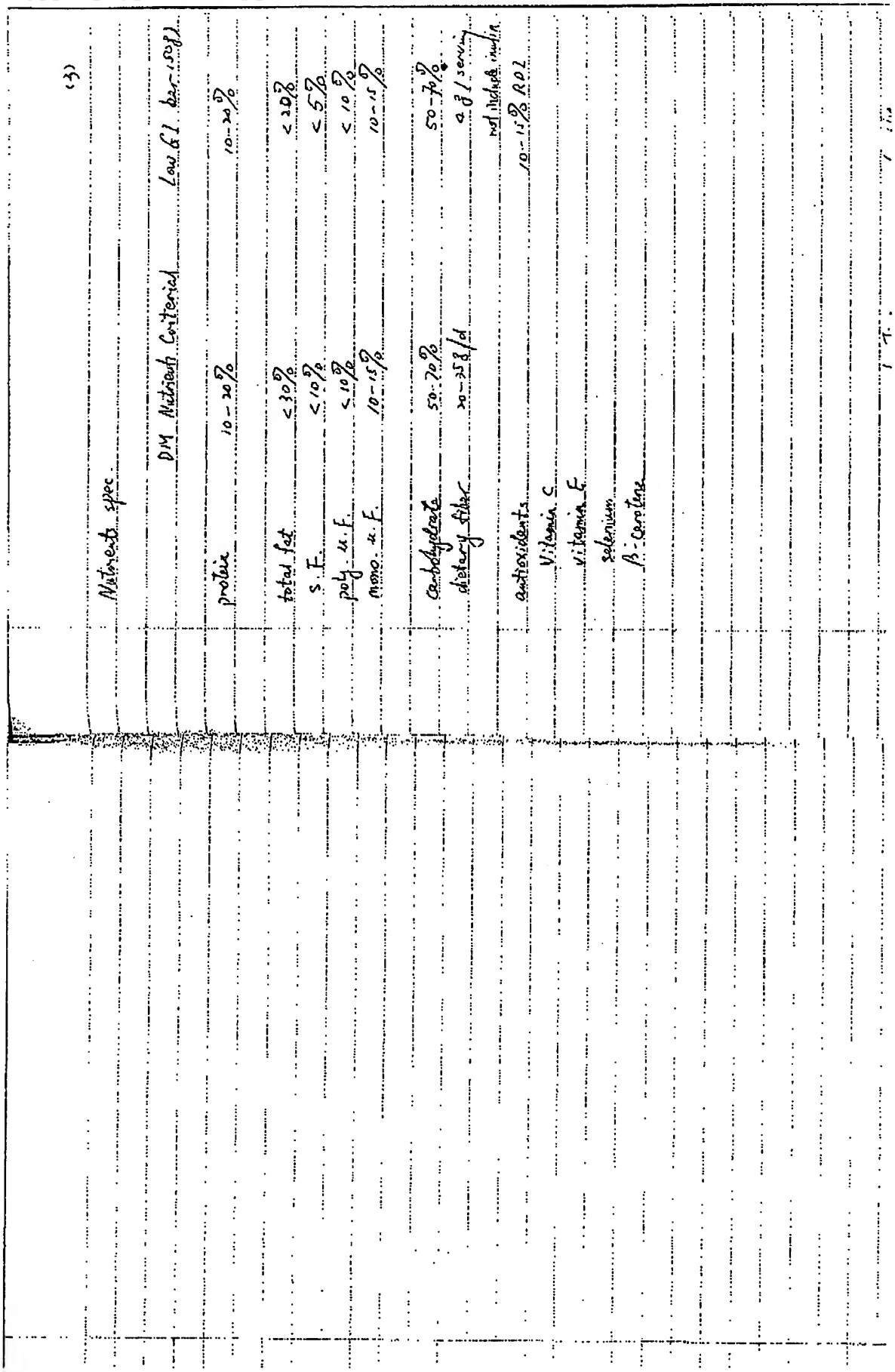
1) people with diabetes, obesity and cardiovascular disease
2) people with abnormal glucose tolerance
3) anyone who would benefit from additional dietary fiber, especially soluble fiber

Bar Specification:

The Bar will be designed as a good tasting crunch 100% natural, healthy snack or meal replacement with

1) inulin as a source of soluble fiber
2) antioxidants that have known beneficial effects
3) unsaturated fats which are preferable for diabetes and cardiovascular disease
4) balanced nutrition

SK


(3)
Nutrients spec
DM Nutrient Criteria
Low GI bar (50g)
protein
10-20%
10-20%
total fat
<30%
<20%
S.F.
<10%
<5%
poly u.f.
<10%
<10%
mono u.f.
10-15%
10-15%
carbohydrate
50-70%
dietary fiber
20-25g/d
<4g/serving
10-15% RDI
antioxidents
Vitamin C
vitamin E
selenium
B-carotine

Feb. 2 /2000

Objectives: Fruit type low GI bar test.

① flavor test.

② texture test. reduce the stickiness of the blend

Method details: - GI0202 Fruit 1 GI0202 Fruit 2

① change mix procedure:

pear juice concentrate + energy smart + inulin - hand mix

+ oil and other fluid - hand mix

+ all other dry ingredients - machine mix

② flavor.

(GI0202Fruit1)Fruit 1 Feb 2. Blackberry (ATI 6768-6853)

(GI0202Fruit2)Fruit 2 Feb 2 Apple cherry

Apple - flavor producer (37084)

cherry - International (44409)

③ replace 10 g of energy smart with 10 in fruit 2 Feb 2

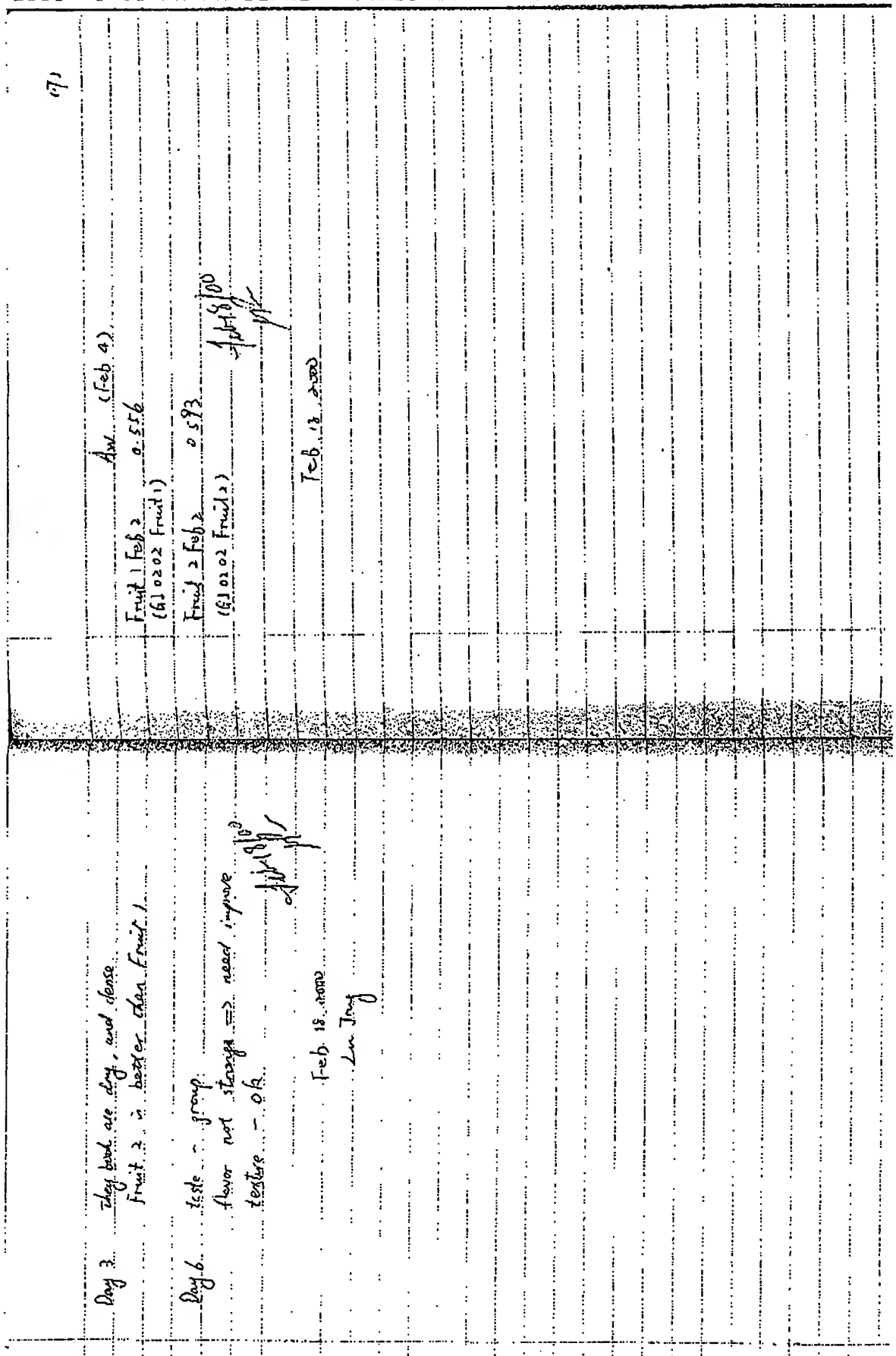
④ inulin - HD

Conclusion.

Day 1 stickiness: Fruit 2 > Fruit 1 Feb 2

flavor: blackberry is better

mix procedure: better reduced stickiness


(7)
Aw (Feb 4)
Fruit 1 Feb 2 0.556
(6) 0202 Fruit 1)
Fruit 2 Feb 2 0.583
(6) 0202 Fruit 2)
Feb 18 2002
Day 3. they look are dry, and dense
Fruit 2 is better than Fruit 1
Day 6. taste - group
flavor not strong == need improve
texture - ok
Feb 18 2002
Lin Jing

Feb. 4 2000.

Objectives: Fruit type low RI bar test
1) Fluid adjustment try to reduce the dryness of the bar.
2) Test fruit & flavor

Detailed methods: -- 41 02 04 Fruit 3
1) mix procedure: same as before
2) Using Grecoland dried cherry & Otten flavor blackberry 7336
3) replace .5 g of energy ment with polydextrose
4) inulin HD

Conclusion:
Day 1 not very sticky, bar little dense and hard need to improve the softness

flavor ok
cherry ok

Day 3 taste => grasp:
flavor: smell: better than taste => need stronger
compare with Fruit 1 : Fruit 3 better

Feb 8 - GI test
Control white bread
Wirsten Family White Bread (1.8 g)
Weston Family Food
Vancouver B.C. V6B 4E4
Ingredients: white flour, water, yeast, sugar or glucose-fructose, vegetable oil, salt, emulsifier (mono-diglycerides), Calcium propionate, sodium stearoyl-2-lactylate, soy lecithin, potassium sorbate
Nutrition information (per serving) 30g
Energy 74 cal / 310 kJ
protein 2.6g 14%
fat 0.9g 1%
poly 0.1g
mono 0.4g
saturates 0.2g
cholesterol <0.1 mg
carbohydrate 13.8g 7%
dietary fiber 0.7g
Feb. 8, 2006
Feb 7
Aw.

50 g available carbohydrate

13.9 - 0.7/30 => 40%

50 ÷ 0.44 = 113.64 g

Subjects: Saud, Benoit, Val, Huy, James, Trine

Methods: fasting 10 h or longer

eating bread in 10 min regardless of time of finishing

Measuring blood glucose at 15, 30, 45, 60, 120 min and fasting

(time: after finishing eating the bread)

Feb 9/00

GI test

control: white bread

Subject: Jing

feb. 15 2000

Jing

Feb. 15/00

Objective: Fruit type low GI bar test

1) fluid adjustment. try to reduce the stickness of the bar (base on the test run in Rocky)

2) flavor test: - strawberry

Detailed method

① GI 02.15 Fruit 4: test plum puree

plum pree 20g reduce energy ment 15g

GI 02.15 Fruit 5: test mattitol

mattitol 15g

GI 02.15 Fruit 6: test glycerine

glycerine 15g

② inulin ext type

③ flavor: Val Strawberry (ATI 6926-1196)

④ herbalox type W — 0.2g / recipe

recommended: 0.01%

Conclusions:

* stickness: Fruit 4 is the best one

Fruit 5 & 6: still sticky

* herbalox: 0.2g / recipe => 0.03% > bord strong taste

0.1g / recipe => 0.04%

Feb. 15 100 = GI test (1mg Vol Jamaa Hyb)
Mannaber - protein intestinal supplement
GI 0.044 Fruit 3 (R)
Nutrition Info per 50 g serving
Mannaber 133 cal
Energy 13 g
protein 5.6 g
fat 1.9 g
poly 3.1 g
mono 0.9 g
Saturd cholesterol 0 mg
Carbohydrate 23 g
Sugar 11 g
dietary fiber 3.3 g
Sodium 82 mg
Potassium 274 mg
23-3.3 / 100 = 39.4%
50 ÷ 39.4% = 126.9 g
Nutrition Info per 100 g serving
Energy 474.17 cal
Carbo 28.87 g
dietary fiber 6.66 g (includes insulin)
insulin fiber 3.33 g
Carbo content 28.87 - 6.66 + 3.33 = 26.08
50 ÷ (26.08/100) = 95.86 (g)

① Inulin = available Carbo ?

② stay in office for the testing no lab work

③ 15 min resting before testing

④ Blood glucose in 2 hour period is low than fasting ? meaning { high insulin ?
hypoglycemia ?
low GI - fast back to baseline

Li Ting
Feb 18, 2006

Feb 16 / ⑥

Objective: fruit type GI bar test
① fluid adjustment, balance the dryness and stickness
② flavor test - lemon
③ test inulin 5g/50g bar

Detailed methods:
① GI 0216 fruit 7, x based on fruit 4 reduce 10g plum puree
* herbolox 0.03%
* inulin 10%

results: stickness - better Aw: 0.583
hardness - need to improve
lemon flavor - good try 3g/50g ⇒ 0.006
herbolox flavor - better

② GI 0216 fruit 8:
fluid combination: energy smart + plum puree + polydextrose
flavor: 3g/recipe ⇒ 0.006
results: stickness - sticky
lemon flavor: 0.6% is ok
Aw 0.595

③ GI 0216 fruit 9:
fluid combination: energy smart + plum puree + glycerine
results: sticky stick to the package
no difference compare with fruit 8

A n. 1748

(21)

Feb 18/00 – GI test – GI 0204 Fruit 3 (R)

Mamma bar : 12g. 9g (check glycerine – amount (able to buy)

GI 0204 Fruit 3 (R).

per 50 g : 28.9g Carbo

6.66 fiber (including insulin)

1.55 polydextrose 10%

28.97 - 6.66 - 1.55 = 20.22 g Carbo available

50 ÷ (20.22/50) = 123.5 g

Subjects: James Val

Trina Hug Sand

GI results GI 0204 fruit 3 (R)

James : 76

Sand : 76

Hug : 41

Val : white bread = last blood glucose peak

Trina : white bread - day 4 day variations

Feb info

(22)

Feb 22/00

Objective fruit type GI bar test
① fluid adjustment
② fat amount: 20-25%
③ coating vs. non coating
(yogurt coatings)

Detailed Methods

GJ 0222 fruit 11: increase plum puree/energy amount without coating

GJ 0222 fruit 12: no dry fruits with coating plum puree/energy amount ↑

GJ 0222 fruit 13 with coating: ↑ plum puree/energy amount

GJ 0222 fruit 14 without coating ↑ plum puree/E.S. no dry fruits

Results:

fruit 11: mix ok not stick to the mixer

fruit 12/14: dry & hard
hard bit stick to the mixer

fruit 13: no sample
need further formulation

Further work: with fruit pieces with/without coating
based on fruit 11 & 13

(23)

Feb 23/00 - GI test

Peanut (Maunatech) honey - MPH 02.15.3
per 50 g bar: total Carbo 22.95 g
dietary fiber 0.83 g
glycerine 2.595 g

Energy: 199.47 cal
fat: 29%
Carbo 45%
protein 26%

22.95 - 0.83 - 2.595 = 17.525
50 ÷ (17.525/60) = 142.7 (g)

Subjects: Hug James Saul Jing (Feb 24)

GI results: James 74
Hug 24
Saul 61
JING 53 / 53 ave.

Feb 2560

Lu Jing
Feb 29/00

i)

	white bread	GI 0204 fruit3 R	GI	MPH 0215 3	GI
James	275.50	210.00	0.76	204.30	0.74
Saul	200.50	153.00	0.76	122.30	0.61
Huy	270.30	111.00	0.41	63.60	0.24
Jing	243.00			129.00	0.53
			0.65		0.53

(25)

Feb 23/00

Objectives: 1) Increase fat level to 25% cal, reduce the thickness of the bar
2) test different mix procedure
inulin + energy smart + pear juice concentrate
inulin + dry ingredients

Detailed methods:
GI 0223 fruit 15
A: inulin + dry ingredients
B: inulin + energy smart + pear juice con'

Results:
A. soft and not sticky — Aw. 0.56
B. soft but little bit sticky — Aw. 0.59

taste. Feb 24/00 - Vat. Huy. Tina. Jing.
flavor: need boost.
texture: improved.
GI 0223 fruit 15 A: test run in Rocky.

Mar 1/00 taste:
15 A BB: no big difference Feb-n/00
Li Jing

Feb 25/00

Feb 23/00

Objectives: powder : shelf life and texture test

Detailed methods

fluid mix: Energy smart 280 g
Olive oil 28 g

		fluid
Mix inulin EXL	25 g	40 g
Mix inulin HD	"	"
Mix inulin IQ	"	"
Mix skim milk powder	"	"
Mix Ecco Calcium caseinate	"	"
Mix Soy 661	"	"

Results:

All inulin mixes are softer than protein mixers
" stickier

Feb 28

Inulin EXL : hard & dry
IQ & HD: soft stick

skim milk powder : hard & dry
Calcium caseinate : soft
Soy 661 : in between

Feb 29 inulin EXL: soft powdery IQ: soft sticky

Feb. 24/00

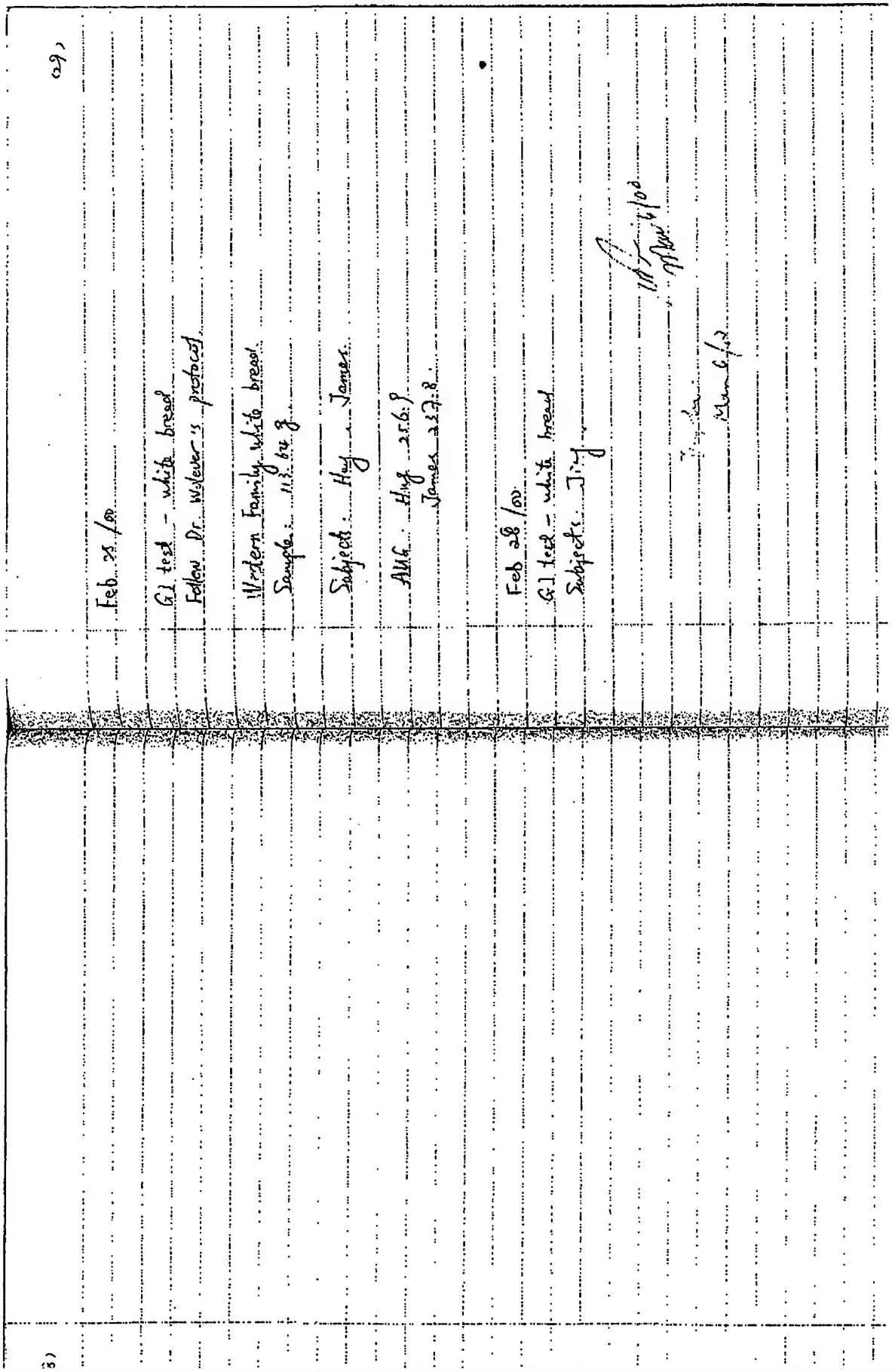
Objectives: formulate coating bar with 25% fat

Detailed method: GJ 0224 fruit 13A & B
16.5% shake Yogurt coating or chocolate coating
decrease olive oil & Almond butter
increase plum puree / energy smart

Results:
Mix: not stick : ok
coating: yogurt coating is sweeter than chocolate coating

GJ0224 fruit 13A — Rocky test

Feb 29


Feb 28 /06
GI test - white bread
Follow Dr. Wolever's protocol
Western Family white bread
Sample: 11.8 to 8
Subject: Hwj Jones
ANG: Hwj 28.6.8
Jones 32.7.8
Feb 28 /06
GI test - white bread
Subject: Hwj

(11)

Feb 28/00

Objective: test calcium carbonate - softness

Detailed method

Glass rod fruit b. replace ca stearate with powder with calcium carbonate

Results

mix: not stick

softer than before

New improved try: wheat germ oil

fructose liquid

xlitol cherry

Feb 29/00.

Objectives:

1). fruit bar. test inulin HD & EXL. - softness & thickness
decrease soy protein — softness. test Vegetol oil

2). chocolate bar: base test.

Detailed methods:

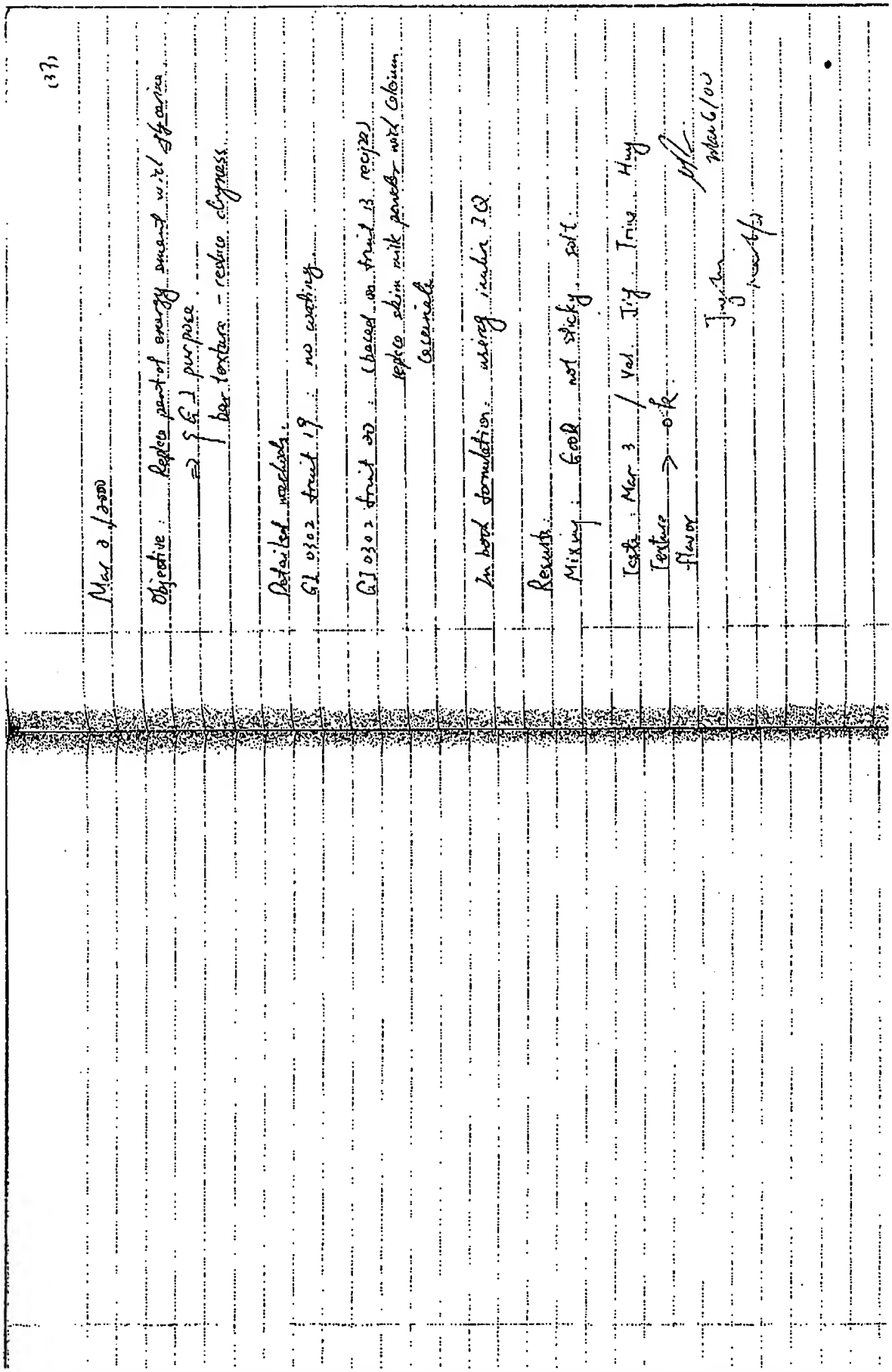
1) G20:29 fruit 17. inulin HD
G20:29 fruit 18: inulin EXL
increase calcium caseinate decrease soy protein
replace other oil with canola oil Aw 17.0.936.
18.0.939

2) G20:29 chocolate 1:
based on G20:29 fruit 18 formula
Using Alkalized cocoa powder FH730
Carmi chocolate flavor
Cocoa butter Brodco di
Replace part of plum puree with glycerine

Results:

fruit 17 18: mixing ok soft, not sticky
no difference between fruit 17 & 18

chocolate 1: color: too dark
texture: barley flake: piece too big
wet and little bit sticky


(37)
Mar 2 /2006
Objective: Replace part of energy source w.t/ soy carrier
⇒ SGI purpose
1 bar texture - reduce dryness
Detailed methods:
GI 0302 trial 1B : no coating
GI 0302 trial 2B : Coated on trial 13 recipe
replace skim milk powder with Calcium
Caseinate
In bowl formulation: using insulin IQ
Results:
Mixing: Good not sticky soft
Taste: Mar 3 / Vol Tiny Tiny Hay
Texture ⇒ o-k
Flavor
Jan 6/06

(39)

Mar. 7/06

Objectives: Using fructose - try to lower GI

Detailed Methods:

GI using fructose replace soy energy source with fructose

Results: Mix: OK, not stick to 2L mixer but little bit of wet stick to packages

taste: can taste the fructose

Aw 0.313

Further work: reduce to 6 washes

GI test

taste Mar 8/06

much dry compare to yesterday's

Mar 10-06

Mar 13/06

(41)

Mar. 8 /06

G.I. test (2.0 g/cm³ fiber)

per 50 g bar. Castor 28.61 (g)

fiber 8.31 (g)

Agarose 1.62 (g)

$SD = \sqrt{(28.61 - 8.31 - 1.62)^2/50}$

= 132.8 (g)

Subject: Jing Hong Jones

Result: G.I.

Jing 28. (wet) 21 (G) ⇒ 28 (wet).

Hong 21 (wet)

Jones 34 (wet) 17 (G) ⇒ 24 (wet)

Average 25. (wet).

Mar 10/06

	GI 0229 fruit 18	GI (WB)	GI (G)
James	99.8	0.39	0.28
Jing	141	0.64	0.46
		0.51	0.38

	GI 0307 fruit 21	GI (WB)	GI(G)
James	81	0.24	0.17
Huy	55	0.21	
Jing	61.3	0.28	0.21
		0.24	0.21

Mar. 8/00

Objectives: ① to achieve 10% wgt inulin
② test mixing procedure – effect on bar texture
③ test different type of inulin – effect on bar texture
④ reduce energy smart – improve ease wetness of final mixing
⑤ sample for shelf life testing

Detailed Methods: – GI 0308 fruit 22
1) replace 4 g energy smart with plum puree
2) decrease inulin to 10% wgt
add 2g to barley flakes 2g to nutty heart
3) A: mixing 1Q with syrup
B " dry ingredients
C " HD
D: " EKL

Results:
A & D mix better than B & C
B & C: 1½ bit sticky to the mixer
check every week

taste: Mar. 9/00
B & C: softer + less A & D
D powdery than others

Mar 9/00

(45)

Mar 9 lec

Objective — GI osog bar 23/24

Using bar test

① test fructose — for GI & texture purposes

② change ingredients = reduce 2/3 dryness of 2/3 bar

Bar diet methods

① add fructose, reduce energy amount

② add almond butter

③ decrease capsaicin — 1/2 ROI / bar

④ shield sapo muffet

mix procedures: add insulin + dry ingredients

Results:

fruit 23 mix good

taste fructose taste too sweet

fruit 2&3 OR more like plum fruit 2.3

with or without chocolate coating — for shelf life testing.

Taylor

47
May w/o
Aldolo fruit ave - for QI test
per 2 g bar
Ladho, SR wt g
fiber 2.98
glycine 2.27
SR ave - 2.98 - 2.27 = 18.27 — available carbs
SD ÷ (18.27/50) = 129.60 g — carbs to g
available carbs
128.60 g 108.18 bar
21.41 existing (16.2%)
Mar 13/06 Hwy QI (WB) 93
Mar 14/06 Hwy 25
Jones 41

new era NUTRITION
"the nutraceutical food products company"

March 31, 2000

Dr. Tom Wolever
Glycaemic Index Testing Inc.
135 Maverty St., Toronto
Ontario, Canada M6P 2L8

Fax: (416) 769-7210

Dear Dr. Wolever,

Thank you for your prompt reply.

My apologies for the missing page.

We agree with your idea of only one bread standard for the "mini-test". Thank you for the suggestion.

Following are the answers to your questions.

- We want to achieve a GI of 40-50 using the white bread standard.
- Solnuts is a brand name for toasted soy pieces.
- The glycerine is counted in total carbohydrate. Attached is the bar information with the appropriate detail included.

Either Saul or James will be in touch regarding the advance payment and Terms of Research next week. We will have bars to you by April 25.

Best Regards,

Val Price.

THIS IS EXHIBIT "E" referred to in the
Affidavit / Declaration of
Saul Katz/Valerie Teskey
Sworn / Declared before me this 13th day
of October A.D., 20 06
Andrew Budke
A Commissioner for Oaths in and
for the Province of Alberta
A Notary Public.

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Tel: (780) 423-4551 Fax: (780) 423-1786 E-mail: newera@nutritech.com Web: www.nutritech.com

Glycemic Index Test Bar 3

03/31/00

Nutrition Facts

Serving Size (50g)
Servings Per Container

Amount Per Serving	
Calories 190	Calories from Fat 60
	% Daily Value*
Total Fat 6g	10%
Saturated Fat 1g	4%
Cholesterol 0mg	0%
Sodium 30mg	1%
Total Carbohydrate 28g	9%
Dietary Fiber 8g	33%
Sugars 8g	
Protein 9g	

Vitamin A 2%	•	Vitamin C 2%	
Calcium 6%	•	Iron 8%	

*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Saturated Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

INGREDIENTS: Solnuts, Toasted Barley Flakes, Plum Puree, Almond Butter, Inulin, Fructose, Pear Juice Concentrate, Glycerine, Dried Cherries, Calcium Caseinate, Agave Nectar, Energy Smart, Supro Plus Nuggets, Soy Oil, Fenugreek, Natural Flavors, Lecithin.

Total Carbohydrate	28.42g/50g bar (includes glycerine)
Fiber	8.33g/50g bar
Glycerine	3.35g/50g bar

Please note that Nutritional Information is based on a computer model and will vary from actual laboratory analysis. This information is confidential and proprietary and may not be given to third parties without express permission from New Era Nutrition Inc.

From MPH 03224

Glycemic Index Test Bar 2

03/31/00

Nutrition Facts

Serving Size (50g)
Servings Per Container

Amount Per Serving	
Calories 190	Calories from Fat 60
	% Daily Value*
Total Fat 7g	10%
Saturated Fat 2.5g	13%
Cholesterol 0mg	0%
Sodium 50mg	2%
Total Carbohydrate 29g	10%
Dietary Fiber 7g	28%
Sugars 11g	
Protein 9g	

Vitamin A 2%	•	Vitamin C 2%	
Calcium 8%	•	Iron 6%	

*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Saturated Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

INGREDIENTS: Chocolate Coating, Solnuts, Inulin, Plum Puree, Toasted Barley Flakes, Supro Plus Nuggets, Energy Smart, Fructose, Glycerine, Dried Cherries, Whey Protein Isolate, Pear Juice Concentrate, Soy Oil, Agave Nectar, Nutty Wheat and Barley, Almond Butter, Fenugreek, Natural Flavors, Lecithin.

Total Carbohydrate	29.35/50g bar (includes glycerine)
Fiber	7.08g/50g bar
Glycerine	3.12g/50g bar

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G1 03 28 4/2

Glycemic Index Test Bar 1

03/31/00

Nutrition Facts

Serving Size (50g)
Servings Per Container

Amount Per Serving	
Calories 200	Calories from Fat 60
	% Daily Value*
Total Fat 7g	10%
Saturated Fat 1g	5%
Cholesterol 5mg	1%
Sodium 75mg	3%
Total Carbohydrate 24g	8%
Dietary Fiber 3g	11%
Sugars 6g	
Protein 14g	

Vitamin A 0%	Vitamin C 2%
Calcium 15%	Iron 10%

*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Saturated Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

INGREDIENTS: Solnuts, Energy Smart (fruit and grain dextrins), Soy Protein Isolate, Natural Peanut Butter, Plum Puree, Glycerine, Honey, Honey Granola, Rice Syrup, Whey Protein Concentrate, Supro Nuggets, Roasted Peanuts, Rolled Oats, Pear Juice Concentrate, Agave Nectar, Peanut Flour, Milk Mineral Concentrate, Natural Peanut Butter Flavor, Ambrotose.

Total Carbohydrate	23.56g/50g bar (includes glycerine)
Fiber	2.54g/50g bar
Glycerine	2.88g/50g bar

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G1 03 2841